IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE M.NARAYANA REDDY**

**WRIT PETITION NO : 23498 of 2004**

Between:

1 S. Madhukar, S/o. Nageswara Rao,
R/o. Opp. Prakasam Stadium, Madhura Basthi, Kothagudem,
Khammam District.
2 Ch. Sai Sudha Mohan, S/o. Saibada,
R/o. Beside Ganesh Temple, Ganesh Bashi, Kothagudem,
Khammam District.

**..... PETITIONER(S)**

AND

1 The District Collector, Khammam District, Khammam.
2 The Commissioner, Kothagudem Municipality, Kothagudem, Khammam District.
3 Hindustan Petroleum Corporation Ltd. Rep by its Area Manager, Secunderabad.
4 P. Chandrasekhar Rao, S/o. Venkateswara Rao,
R/o. Bhadrachalam, Khammam District.
5 N. Tilak, S/o. Mallikarjuna Rao,
R/o. Bhadrachalam, Khammam District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or a writ, more particularly one in the nature of writ of Mandamus declaring the action of the Respondents 1 to 3 herein in permitting the respondents 4 & 5 to establish retail outlet of Petrol Bunk of Hindustan Petroleum Corporation Ltd., in Sy.No. 142 at Mahatma Gandhi Road, Kothagudem town as illegal, arbitrary and against the interest of general public and consequently direct the respondents 1 to 3 herein not to accord any permission in favour of respondents

4 & 5 for establishing retail outlet of Petrol Bunk of Hindustan Petroleum Corporation Ltd. in Sy.No. 142 of Kothagudem town, Khammam District and pass such other order or orders.

**Counsel for the Petitioner:MR.T.BHEEMSEN & T.V.PRANAI KUMAR**

**Counsel for the Respondent No.1: GP FOR REVENUE**

**Counsel for the Respondent No.2:Mr. P. Radhakrishna**

**Counsel for the Respondent No.3: Mr. P.V. Sanjay Kumar**

**Counsel for the Respondent Nos. 4 and 5: None appeared**

**The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)**

There is already an order passed in Writ Petition No. 2559 of 2004 on 23.2.2004. There has been no subsequent development nor alleged in the writ petition.

The writ petition is accordingly dismissed as premature. No costs.

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DEVINDER GUPTA, CJ

Date: 31st December, 2004

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M. NARAYANA REDDY,J

Pnb

To

1 The District Collector, Khammam District, Khammam.
2 The Commissioner, Kothagudem Municipality, Kothagudem, Khammam District.
3 The Area Manager, Hindustan Petroleum Corporation Ltd. Secunderabad.
4 Two C.Cs. to the Government Pleader for Revenue (OUT), High Court Buildings,

Hyderabad.

5 Two C.D. copies